

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID M. BERENATO,
Petitioner

v.

COMMONWEALTH OF PA, et al.,
Respondents

:
:
:
:
:
:
:

No. 1:24-cv-01005

(Judge Kane)

ORDER

AND NOW, on this 24th day of February 2025, upon consideration of pro se Petitioner David M. Berenato's application for leave to proceed in forma pauperis (Doc. No. 7), certified prisoner trust fund account statement (Doc. No. 9), and petition for a writ of habeas corpus under 28 U.S.C. § 2241, which the Court has construed as a habeas petition filed under 28 U.S.C. § 2254 (Doc. No. 2), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. The application for leave to proceed in forma pauperis (Doc. No. 7) is **GRANTED**, and Petitioner has leave to proceed in forma pauperis;
2. The habeas petition (Doc. No. 2) is **DISMISSED WITHOUT PREJUDICE**;
3. A certificate of appealability **SHALL NOT ISSUE**; and
4. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania